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# FIRST ELECTION OF THE MEMBERS OF THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA

## Proposal by the President

1. The present proposal is made to reconcile the need for some certainty in geographical representation in the composition of the International Tribunal for the Law of the Sea on the one hand and the need to provide all candidates an equal opportunity to contest the election on the other.

2. Provided that no regional group will have less than three seats, the members of the Tribunal will be elected as follows:

(a) No more than five judges shall be elected from the African Group;

(b) No more than five judges shall be elected from the Asian Group;

(c) No more than four judges shall be elected from the Latin American and Caribbean Group;

(d) No more than four judges shall be elected from the Western European and Other States Group;

(e) No more than three judges shall be elected from the Eastern European Group.

3. The election will be held on the basis of a single list of candidates listed in alphabetical order.

4. All States parties will have only 21 votes to cast in the first ballot. In subsequent ballots the number of votes to be cast by each State will depend upon the number of vacancies remaining. Ballot papers that contain more than the number of vacant seats would be invalid.

5. As candidates meet the required majority for election, they would be counted according to regional allocation (para. 2 above), except in the case of a candidate who is a national of a State which does not belong to a regional group.

6. Subject to paragraph 9 below, the persons elected to the Tribunal shall be those candidates who obtain the largest number of votes and a two-thirds majority of the States parties present and voting, provided that such majority includes a majority of the States parties.

7. In the event that not all 21 judges are elected in the first ballot, subsequent balloting would be unrestricted. Each elector may vote for 21 candidates in the first ballot, and in any subsequent ballots for 21 minus the number of candidates who have already been elected.

8. In the event of a tie vote for a remaining seat, there will be a restricted ballot limited to those candidates who have obtained an equal number of votes.

9. In case the number of candidates from one region obtaining the required majority for election exceeds the number of seats allocated to that region, the candidates obtaining the largest number of votes to fill the number of seats allocated to that regional group shall be elected while the others will be considered not elected.

10. In the interest of a timely conclusion of the election, if after four ballots not all 21 judges are elected, balloting shall be suspended to give an opportunity to candidates or the nominating States to consider whether they wish to maintain their candidatures. Before such suspension the President will announce when balloting will resume.

11. The Secretary-General, in drawing lots to determine the terms of the judges following their election, will be guided by the following procedure:

He shall draw lots by region as follows:

<u>First, for the first three-year term</u>:

Two names each from the African Group and the Asian Group.

One name each from the Eastern European Group, the Latin American and Caribbean Group and the Western European and Other States Group.

<u>Next, for the first six-year term</u>:

One name each from the African Group, the Asian Group and the Eastern European Group.

Two names each from the Latin American and Caribbean Group and the Western European and Other States Group.

12. For the purpose of the drawing of lots by the Secretary-General, the name of any judge who is a national of a State that does not belong to any regional group will be put together with the names of judges from the group which did not receive the maximum number of seats mentioned in paragraph 2 above.

13. The above arrangements would be applicable to the first election and will not prejudice the arrangements for any future election.

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